

REMARKS

Applicant's attorney is appreciative of the interview granted by the Examiner by telephone on July 24, 2009. During that interview, language was discussed for the purpose of clearly distinguishing the claimed invention from the cited references, and in particular, van der Smissen et al.

Claims 1, 6, 12, 16, 18-20, 23 and 28 have been rejected under 35 USC 103(a) as obvious over van der Smissen et al in view of Roy, while Claim 2 has been rejected under 35 USC 103(a) over van der Smissen et al and Roy in further view of McGuinness, Claims 8 and 27 have been rejected under 35 USC 103(a) over van der Smissen et al and Roy in further view of Richardson, Claims 9-11 and 13 have been rejected under 35 USC 103(a) as obvious over van der Smissen et al and Roy in further view of Richardson and Wen, and Claim 15 has been rejected under 35 USC 103(a) over van der Smissen et al and Roy in further view of Courtney.

As discussed at the interview, it was the object of Applicant in utilizing the language "consisting essentially of" to exclude from the mask structure the inner mask shown in van der Smissen et al. Thus, the protective hood of van der Smissen et al utilizes a filter which admits air to an air space, but which does not provide air to the user until the user inhales, activating inhalation valve 4. The exhalation valve 5 is directly opposite the nose and mouth of the user, allowing the user to directly exhale to the atmosphere.

According to the invention, Applicant seeks to more efficiently remove carbon dioxide from the bag by placing both the inhalation filter assembly and the exhalation valve in a single air space directly opposite the nose and mouth of the user. This structure further enables the bag to be folded to a smaller size.

In order to better define the invention, Claim 1 has been

amended to recite "a single bag," with the filter assembly in a wall of the bag and an exhalation valve disposed in the filter assembly, and further to recite that the single bag and at the at least one separate circumferential sealing and adjusting means define within the bag a single air space between the user and the bag wall. A similar amendment has been made to Claim 27.

The protective hood of van der Smissen et al clearly defines two separate air spaces, a first air space within the inner mask, and a second air space outside of the inner mask, but within the bag. These air spaces are normally isolated from each other by the inhalation valve.

As the mask assembly of the invention defines only a single air space, the claimed invention is clearly distinguished from the cited references, and withdrawal of these rejections is requested.

In view of the foregoing amendments and remarks, Applicant submits that the present application is now in condition for allowance. An early allowance of the application with amended claims is earnestly solicited.

Respectfully submitted,



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